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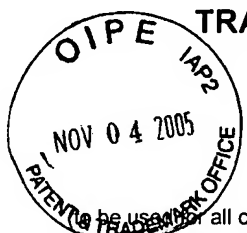
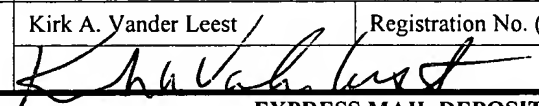
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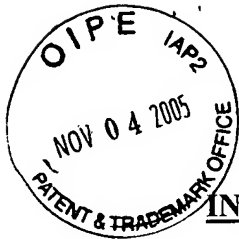
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 TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number		10/822,333	
		Filing Date		April 12, 2004	
		First Named Inventor		Richard Ancimer	
		Art Unit		3747	
		Examiner Name		Johnny H. Hoang	
Total Number of Pages in This Submission		4	Attorney Docket Number		15063US02
ENCLOSURES (check all that apply)					
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD		<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return-Receipt Postcard <input type="checkbox"/> Other Enclosure(s) (please identify below):	
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Name (Print/type)	Kirk A. Vander Leest	Registration No. (Attorney/Agent)	34,036		
Signature			Date: November 4, 2005		
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Attorney Docket No. 15063US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION OF:

RICHARD ANCIMER

SERIAL NO. 10/822,333

FILING DATE: April 12, 2004

FOR: METHOD AND APPARATUS FOR
CONTROLLING AN INTERNAL
COMBUSTION ENGINE USING
ACCELEROMETERS

GROUP ART UNIT: 3747

EXAMINER: Johnny H. Hoang


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Kirk A. Vander Leest
Registration No. 34,036
Attorney for Applicant

RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Office Action issued on August 5, 2005 and setting a response date of November 5, 2005. Claims 1-25 remain in the application. Claims 15-26 have been allowed. Claims 1-14 stand rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite in their use of the term "lever." The Office Action also objects to the use of the term "lever" in paragraphs 3, 9, 10 and 12 of the specification.

The Applicant has been requested to show that the phrase "lever" as recited in claims 1-14 and the specification is definite. Initially, it is noted that the claim 1 and the specification actually use the term "start of combustion lever." In view of the specification, this phrase adequately describes start of combustion levers (*i.e.*, control parameters) and, therefore, adequately describes what is within the claim. This phrase is therefore definite.

The relevant statute, 35 U.S.C. §112, ¶2, requires that the claims "particularly [point] out and distinctly [claim] the subject matter which the Applicant regards as his invention." The operative standard for determining whether this requirement has been met is "whether those skilled in the art would understand what is claimed when the claim is read in light of the specification."

In this application "lever" is readily understandable to a person ordinarily skilled in the art, upon review of this specification. Specifically, the term referred to relates to "start of combustion lever" or "SOC lever". The term "lever" is used throughout the specification as a generic term referring to any of a variety of engine control parameters that are capable of being altered during engine operation and, thereby, influence start of combustion in a cycle of the engine - *i.e.*, combustion phasing. Moreover, in the disclosure, the paragraphs highlighted by the examiner as being unclear for the use of "lever" refer to a lever capable of combustion phasing. That aside, "start of combustion lever" or "SOC lever" is clearly explained in the specification. For example, paragraph 67 states that control over

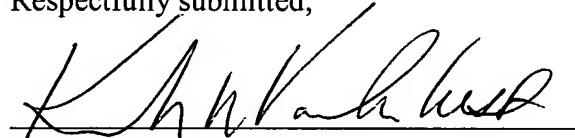
SOC is realized by adjusting SOC levers as would be understood by a person skilled in the art. SOC levers known in the art include pilot fuel quantity, duration and timing, intake manifold temperature and pressure, internal or external EGR levels or concentrations, fumigated air-fuel equivalence ratio, effective compression or expansion ratios, spark plug timing and glow plug temperature.

Therefore, it is respectfully submitted that the term "start of combustion lever" as recited in the claims and specification is sufficiently clear and definite to meet the statutory requirements for patentability.

In view of the above, claims 1-25 are believed to be in condition for allowance. The Examiner is invited to telephone the Applicant's undersigned attorney at (312) 775-8000 if any unresolved matters remain.

Please charge any fees incurred in connection with this submission to Deposit Account No. 13-0017.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kirk A. Vander Leest', is written over a horizontal line.

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Dated: November 4, 2005